IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.460 OF 2007
WITH
CIVIL APPLICATION NO.1677 OF 2006

Rajaram Dattatray Kshirsagar and Ors. ..Appellants.
Vs.
Baburao Bhaurao Mirajkar ..Respondents.

Mr.R.M.Haridas i/by Aarti Bhide, advs. for the Appellants.

Mr.A.M.Kulkarni, adv. for the Respondent No.1.

CORAM : J.H.BHATIA, J.
DATE : NOVEMBER 2, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. Respondent is the original plaintiff. Appellant No.2 is the original defendant no.2 and other appellants are legal heirs of the deceased defendant no.1. The defendant no.1 was the husband of the defendant no.2 and the defendant no.2 is the sister of the plaintiff. The plaintiff claims to have purchased house property admeasuring 180.6 sq.mtr. by registered sale deed dated 18.2.1957. The plaintiff was residing in the suit house for a long time till he shifted to Ichalkaranji for the purposes of the business. As his sister and his sister’s husband were not having residential premises at Sangli, the plaintiff allowed

them to occupy one room out of love and affection, sometimes in 1985. As the property is in dilapidated condition, the plaintiff asked them to vacate the suit premises so that the building could be constructed by him. The defendants refused to vacate. It is their contention that the property was purchased by father of the plaintiff and the defendant no.2 and the defendant no.2 had also share in the property. The learned trial Court rejected the plea of the defendants and decreed the suit in favour of the plaintiff. The defendants preferred Regular Civil Appeal No.343 of 2001, which also came to be dismissed. Therefore, the defendants have preferred this second appeal.

3. There are concurrent findings of the facts by the Courts below that the defendant/appellants have no right, title or interest in the suit property and they are in unauthorised occupation. Sale deed is in the name of the plaintiff/respondent. No substantial question of law is involved in the matter. Therefore, appeal stands dismissed.

4. As the appeal itself is dismissed, the Civil Application No.1677 of 2006 does not survive and stands disposed off accordingly.

[J.H.BHATIA, J.]